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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
WANG, LIANG CHE A	
ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/542,273	CROW ET AL.	
	Examiner	Art Unit	
	Liang-che Alex Wang	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/14/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 are presented for examination.

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:

    a. **Information Disclosure Statement** as received on 2/14/2005 is considered.

Response to Arguments

3. Applicant's arguments filed 12/21/2004, have been fully considered but they are not persuasive.

4. In that remarks, applicant's argues in substance:

    a. Choquier does not teach, "the client device is configured to access a first service of a plurality of services by accessing a service point map ... to obtain the corresponding service address for the first service."

This is not found persuasive because Choquier discloses, the client-user (102) sends the request to access the service point map (136) (Col 8 lines 11-12, lines 17-22) to *locate* the service (Col 8 lines 18-24, Col 13 lines 18-37, figure 5A). Which is: a client device (102) configured to access a first service (Col 8 lines 11-12).... by accessing a service point map (Col 8 lines 19-22) ... to obtains the corresponding service address... (Col 8 lines 19-22). Choquier provides a service map for user to access and obtain a server location information (service address), and use the information to locate the service.

Without this locating step, user of Choquier wouldn't be able to retrieve data from the service provider. Therefore Choquier does teach, "the client device is configured to access a first service of a plurality of services by accessing a service point map... to obtain the corresponding service address for the first service."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3, 5, 9, 13, 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier et al., US Patent Number 5,951,694, hereinafter Choquier, in views of Johansson et al., WO 99/03036, hereinafter Johansson.

7. Referring to claim 1, Choquier has taught a communication network (see Figure 1) comprising:

a plurality of server devices (Figure 1, item 120) for providing a plurality of services to the network (Col 1 lines 45-48), where each service of the plurality of services has a corresponding service address (Col 5 lines 18-22);

a client device (Figure 1 item 102) configured to access a first service of plurality of services by accessing a service point map (item 136) (abstract lines 12-14 and Col 1 lines 62-65, Col 3 lines 18-19, user can access to multiple services simultaneously, Col 8 lines 17-25 also indicates that when a user opens a service (which is accessing the service

as indicated in abstract lines 12-14 and Col 1 lines 62-65, Col 3 lines 18-19) the gateway is accessing the service point map. Choquier's client machine is accessing the service by using the gateway to accessing the service point map, which is within the scope of a client device access a first service by accessing a service point map) to obtain the corresponding service address for the first service, wherein the first service point map comprises a listing of at least one service of the plurality of services available on the network and the corresponding service address for each service of the at least one service (Col 8 lines 17-25, Col 10 lines 33-46) (Choquier discloses, the client-user (102) sends the request to access the service point map (136) (Col 8 lines 11-12, lines 17-22) to *locate* the service (Col 8 lines 18-24, Col 13 lines 18-37, figure 5A). Which is: a client device (102) configured to access a first service (Col 8 lines 11-12) .... by accessing a service point map (Col 8 lines 19-22) ... to obtains the corresponding service address... (Col 8 lines 19-22));

Choquier has not taught where the service point map is located on the client device.

However, Johansson has taught an information providing system that is having the service table located on the client device (Figure 2 items 30 and 52. A service table is viewed as a service point map.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the service point map of Johansson in Choquier such that to have the service point map to be located on the client device because both

Choquier and Johansson has taught the use of service point map to provide information of available services to users.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier because having the locally stored service point map on the client device as Johansson has taught, would allow the information to be provided within the client device, which would speed up the communication time between the service point map and the client processor.

8. Referring to claim 2, Choquier as modified has further taught the communication network of claim 1, further comprising a service point manager device (Figure 1 item 144) to intermittently generate a current service point map identifying at least one connected service and corresponding address information for the at least one connected service connected to the network (Col 10 lines 47-61), where each respective service device of the server devices (items 120 and 140) sends corresponding address information for each service at the respective server device to the service point map manager device (item 144) and the client device collects the current service point map (item 136) from the service point map manager device when the client device connects to the network (Col 10 lines 55-61.)
9. Referring to claim 3, Choquier as modified has further taught wherein the service point manager device selects the at least one connected service for inclusion in the current service point map using server load balancing technique (abstract, lines 6-12.)
10. Referring to claim 5, Choquier as modified has further taught wherein the server load balancing technique are implemented by supplying a first service point map to the client

device, wherein the client device runs a script code in the first service point map to select the at least one connected service (Col 11 lines 4-25, 44-57, service map of the service is being supplied back to the Gateway, and the Gateway is used to handle the request from the client, therefore supplying the service point map to the Gateway is viewed as supplying the service point map to the client so the client would receive the requested service.)

11. Referring to claim 9, Choquier as modified has further taught wherein a second service of the plurality of services causes the client device to perform actions using executable commands in the service point map (Col 17, lines 36-37);

12. Referring to claim 13, Choquier as modified has taught in a client /server communication network wherein a plurality of services are located on a plurality of servers (item 120 figure 1) operable to connect to the network (see figure 1), a server computer system for generating a table listing of at least one service connected to the network and corresponding location information for each service of the at least one service, wherein a first service of the at least one service is selected from the plurality of services using a first portioning scheme (Col 10 lines 47-61), and providing the table listing to a client computer system configured to access a second service of the at least one service using the table listing to obtain the corresponding location information for the second services. (Col 10 lines 47-61 and Col 1 lines 61-65)

Choquier has not taught wherein the table listing is on the client computer.

However, Johansson has taught an information providing system that is having the service table located on the client device (Figure 2 items 30 and 52. A service table is viewed as a service point map.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the table listing of Johansson in Choquier such that to have the table listing to be located on the client device because both Choquier and Johansson has taught the use of service point map to provide information of available services to users.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier because having the locally stored service point map on the client device as Johansson has taught, would allow the information to be provided within the client device, which would speed up the communication time between the table listing and the client processor.

13. Referring to claim 15, Choquier as modified has further taught the server computer system, wherein the client computer system collects the table listing from the server computer system upon connecting to the network (Col 10 lines 55-61.)

14. Referring to claim 16, Choquier has further taught wherein the first portioning scheme is a functional portioning of the plurality services (Col 10 lines 52-55, each local map contains information about the respect server, Figure 4, item 400 each map has it own service descriptions, therefore the services are partitioned into each map by its functionality.).

15. Referring to claim 17, Choquier as modified has further taught, wherein the first portioning scheme uses identification associated with the client computer system to select the first service (Col 8 lines 17-39).

16. Referring to claim 18, Choquier as modified has further taught wherein the first portioning scheme is uses a resource connection to select the first service (Col 11, lines 55-57.)

17. Referring to claim 19, Choquier as modified has further taught wherein the first portioning scheme uses equivalency to select the first service (Figure 4, item 400, all the services that is grouped into the same map is viewed equivalent).

18. Referring to claims 20-22, claims 20-22 encompass a similar scope of the invention as that of the claims 1-3, 13, except that the service point map is a dynamic in claims 20-22, however, Service point map of Choquier is dynamic because each server 120 periodically generates a local map 140, and transmits the local map 140 to the service map dispatcher 144... Col 10 lines 50-55. Therefore, claims 20-22 are rejected by Choquier in views of Johansson.

19. Referring to claims 23-25, claims 23-25 encompass the same scope of the invention as that of the claims 20-22. Therefore, claims 23-25 are rejected for the same reason as the claims 20-22.

20. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier et al., US Patent Number 5,951,694, hereinafter Choquier, in view of Johansson, Choquier as modified has taught an invention as described in claim 3, Choquier has taught wherein

the load balancing techniques are implemented by supplying a service point map to the client (Col 10 lines 62 – Col 11 lines 3).

Choquier has not explicitly taught the service point map supplied to the client has been processed for load balancing.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that to supply a service point map to the client, which has already been processed for load balancing.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because The inventive concept of applicant's invention is if the system using the load balancing technique to select the service. Choquier has taught using load-balancing technique for the user to select the service server (abstract, lines 9-12). Processing the load balancing technique before or after supplying the service point map to the client does not considered as an inventive concept, and a person with ordinary skill in the art could make such change for designing preference.

21. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier, in views of Johansson, and in further views of Fujimoto, JP02001117932A, hereinafter Fujimoto. Choquier as modified has taught an invention as described in claim 2, Choquier has further taught wherein the service point manager device selects the at least one connected service for inclusion in the current service point map using server load balancing technique (abstract, lines 6-12.)

Choquier as modified has not taught where the selection for inclusion in the service point map is based on the topographical location of the client device in the network.

However, Fujimoto has taught a selection for inclusion in the service point map is based on the topographical location of the client device in the network (See Solution lines 1-8 on the translated page.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that service point manager device selects s at least one connected service for inclusion in the current service point map based on the topographical location of the client device in the network.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because having a topographical map as taught by Fujimoto would allow the system of Choquier to provide specific services to users in a specific topographic location.

22. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier, in views of Johansson, and in further views of Al-Ghosein et al., US Patent Number 6,473,791, hereinafter Al-Ghosein.

23. Referring to claim 7, Choquier has further taught wherein the service map includes supplemental service identification data (see Figure 4, item 400, all the service descriptions could be considered as supplemental service identification data.)

Choquier has not taught the supplemental service identification data comprising a client epoch value for a second service identified in the service point map, wherein the

epoch value is used to correlate the performance of the client device and the second service.

However, Al-Ghosein has taught a load balancing service system receive performance values indicative of the targets' performance (Col 11 lines 31-35)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that to have supplemental service identification data comprising a client epoch value for a second service identified in the service point map, wherein the epoch value is used to correlate the performance of the client device and the second service.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because placing the performance value of Al-Ghosein in the service point map of Choquier would allow the system to be aware of its performance level, which would allow the system to have the capability to keep track of the performance, and then increase the performance (Col 11 lines 36-41)

24. Referring to claim 8, Choquier as modified has further taught wherein a first serve causes the client device to perform actions using executable commands in the service point map (Col 17, lines 36-37);

Choquier has not taught wherein a third service has a corresponding service epoch value, whereby the third service causes the client device to take corrective action at the time that a mismatch is detected between the client epoch vale and the service epoch value.

However, AL-Ghosein has taught, after receiving the performance values the system then take corrective action by map to a target identifier with a more favorable performance value. (Col 11 lines 36-41)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that a third service has a corresponding service epoch value, whereby the third service causes the client device to take corrective action at the time that a mismatch is detected between the client epoch vale and the service epoch value

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because Al-Ghose disclosed taking corrective actions (Col 11 lines 36-41) based on the performance values (Col 11 lines 31-35), and placing the performance value of Al-Ghosein in the service point map of Choquier then take corrective action would increase its performance level. Using client and service epoch values is just a technique of using performance values.

25. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier, in views of Johansson, in further views of Bartle et al. US Patent Number 6,188,888, hereinafter Bartle.

26. Referring to claims 10-12, Choquier as modified has not taught wherein the service map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached.

However, Bartle has taught that a user would provide a backup numbers (alternate telephone numbers) (Col 1 lines 26-29) in the event that user cannot be reached.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that the service map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because it is well known to provide a backup or alternate numbers when the primary number is not good to reach a person. Also, it is well known that when planning a event such as picnic, there is usually a backup plan if there is a rain day. Having this concept to be applying on Choquier's invention. A person with ordinary skill in the art would have the service point map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached. And a person with ordinary skill in the art would also included all the possible address information including address information for a service point map manager device (claim 11), and address information for an alternate server providing the selected service (claim 12).

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
March 21, 2005

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER